

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Baldarus, et al.,
Plaintiffs,

v.

Case No. 11-CV-562 (JPS-DPW-RMD)

Brennan, et al.,
Defendants.

CITY OF MILWAUKEE'S MOTION TO APPEAR AS *AMICUS CURIAE*

PLEASE TAKE NOTICE that the City of Milwaukee, by and through its counsel, City Attorney Grant F. Langley, hereby moves the court to allow the City of Milwaukee to appear as *amicus curiae* in the above-referenced matter pursuant to the court's order filed as Docket # 218 and to offer the enclosed memorandum and map drafted by the City of Milwaukee Legislative Reference Bureau.

Dated at Milwaukee, Wisconsin, this 2nd day of April, 2012.

GRANT F. LANGLEY
City Attorney
State Bar No. 1013700

s/ADAM B. STEPHENS
Assistant City Attorney
State Bar No. 1033108

ADDRESS:
800 City Hall
200 East Wells Street
Milwaukee, WI 53202
Telephone: (414) 286-2601
Fax: (414) 286-8550
179769/1055-2012-572

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNING
PETER J. BLOCK
Assistant City Attorneys

April 2, 2012

Honorable J.P. Stadtmueller
Honorable Diane P. Wood
Honorable Robert M. Dow
United States District Court
Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

RE: *Baldus, et al. v. Brennan, et al.*
Case No. 11-CV-562 (JPS-DPW-RMD)

Dear Judges Stadtmueller, Wood and Dow:

Pursuant to the court's order filed as Docket #218, enclosed please find the City of Milwaukee's Motion to Appear as Amicus Curiae, a memorandum drafted by the City of Milwaukee Legislative Reference Bureau and a proposed map. The city is requesting the court to slightly modify Wisconsin Assembly District 9 to rectify a minor drafting error that created two small 5-person and 1-person municipal wards in Assembly District 7. With this slight modification, Assembly District 9 would correctly track the City of Milwaukee's municipal boundary.

Very truly yours,

GRANT F. LANGLEY
City Attorney

s/ADAM B. STEPHENS
Assistant City Attorney

GFL:wt:179766

Enclosure

c: Richard Pfaff, Legislative Reference Bureau Manager
Rich Watt, Legislative Fiscal Analyst

1055-2012-572

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800, 200 East Wells Street, Milwaukee, Wisconsin 53202-3551 Telephone: 414.286.2601 TDD: 414.286.2025 Fax: 414.286.8550

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MEMORANDUM

LEGISLATIVE REFERENCE BUREAU

WWW.MILWAUKEE.GOV/LRB

To: Ronald D. Leonhardt, City Clerk
Richard Pfaff, Legislative Reference Bureau Manager

From: Rich Watt, Legislative Fiscal Analyst, 286-2253

Date: March 29, 2012

Subject: Redistricting Issue in Aldermanic District 11, State Assembly District 9

Provided below is information relating to two ward boundary discrepancies between the City of Milwaukee voting ward plan and the state assembly district plan. We are requesting that the court consider changing the State plan in these two areas to reconcile the discrepancy. We also request that any changes to the State redistricting plan following the City's voting ward boundaries, as adopted in September 2011.

In late December 2011, Sarah Whitt of the Government Accountability Board (GAB) informed City of Milwaukee staff of a few discrepancies between Milwaukee's voting wards and the new state assembly district boundaries. The City's GIS department staff coordinated efforts between the GAB, the City and Tony Van der Wielen of the Legislative Technology Services Bureau (LTSB) to correct these errors.

The errors between the state and city boundaries occurred due to the nature of U.S. Census Bureau blocks. Census blocks provide the basic level of geography upon which voting wards are assembled. Typical census blocks contain between 100 and 400 persons, and represent a geographic and demographically contiguous area. In addition to these blocks, the census also includes many smaller blocks that contain little to no population. These blocks are included to correct errors in mapping and usually occur near physical features like rivers and shorelines, or near political boundaries like the City of Milwaukee boundary.

The City was able to correct three of the five errors identified by the GAB. The two remaining discrepancies, if changed to follow the State plan, will cause an increased burden on the Election Commission and could result in the loss of vote anonymity for six individuals. The state plan defines a long section of the boundary between the 7th and 9th Assembly Districts as following the City of Milwaukee border, except for in two small areas. The two outstanding discrepancies are as follows:

1. **Ward 281 is bisected by the boundary of Assembly District 7 and 9.** The state plan includes City of Milwaukee census block 550791204001000 in the 7th Assembly District, while placing all surrounding City census blocks within the 9th Assembly District. This block is on the border of Milwaukee and Greenfield and, according to the 2010 Census, has a population of 5. To comply with the state plan, the City would have to create a new voting ward consisting solely of this one block. We request that the court follow the City's voting ward plan in this location and place all of the City of Milwaukee census blocks in this area within Assembly District 9.

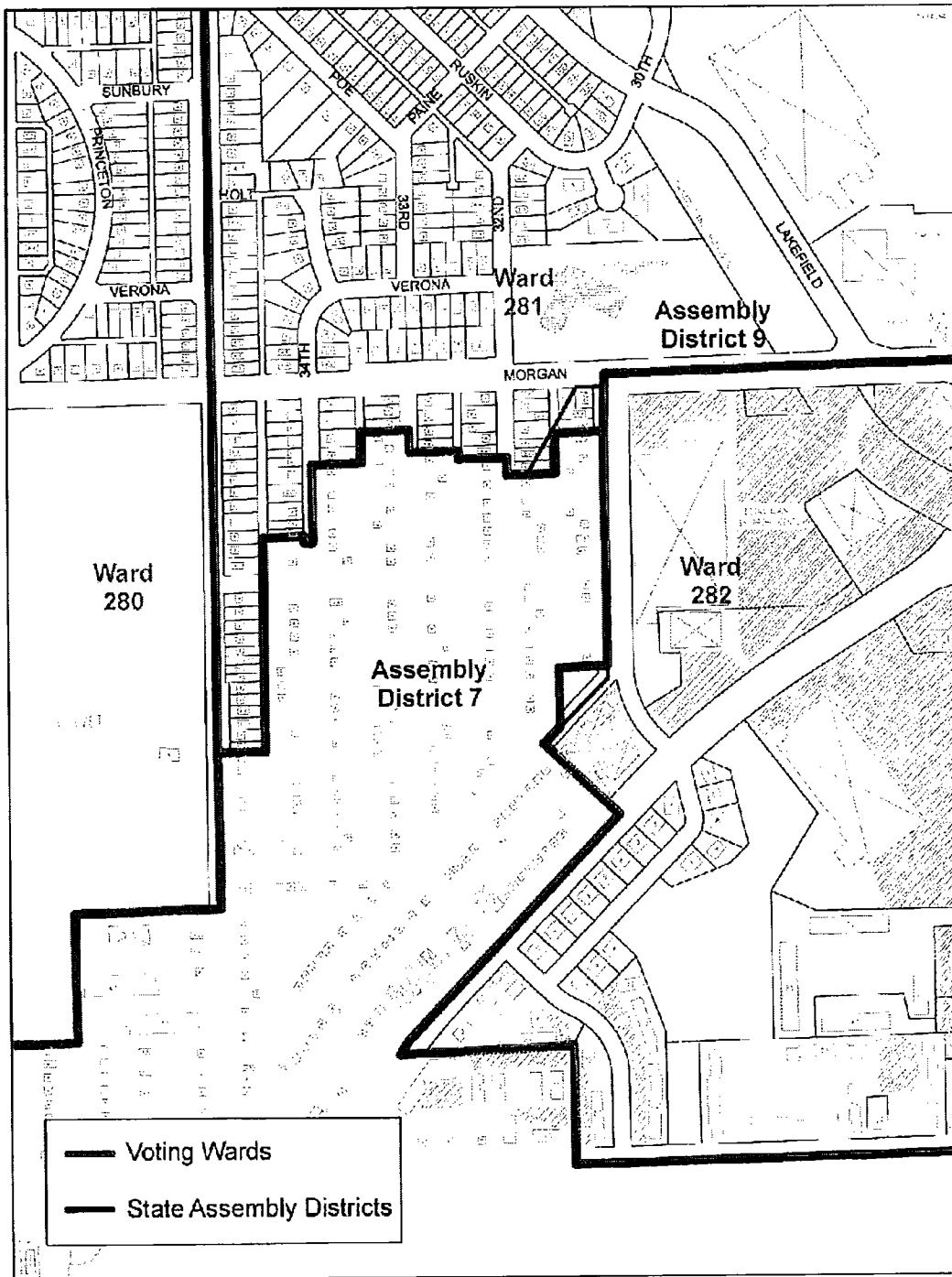
2. **Ward 282 is bisected by the boundary of Assembly District 7 and 9.** The state plan includes City of Milwaukee census block 550791204001006 in the 7th Assembly District, while placing all surrounding City census blocks within the 9th Assembly District. This block, while not contiguous with the block described in the item above, is also on the border of Milwaukee and Greenfield and, according to the 2010 Census, has a population of 1. To comply with the state plan, the City would have to create a new voting ward consisting solely of this one block. We request that the court follows the City's voting ward plan in this location and places all of the City of Milwaukee census blocks in this area within Assembly District 9.

The City of Milwaukee and its Election Commission has concerns that administering these two small wards will be burdensome. The city is also concerned that the privacy of individual voting in such small wards would be compromised.

Wards 281 and 282 have not been adjusted from the boundaries set by the Common Council in September of 2011. These boundaries were used for the February primary, and will be used for the election in April. The state offices affected by this issue are not on the ballot this spring; this issue will have no effect on the state districts until the fall election cycle. We request that any changes to the State redistricting plan follow the City's adopted voting ward plan, both for the reasons detailed above and to ensure that individuals voting in the spring election will remain in the local legislative districts for which they cast their votes.

LRB138236

Attachment: Wards 281 and 282, with State Assembly Districts 7 and 9. The City of Milwaukee requests that the court follow the red lines when redrawing District 9.



Brandt, Karen J (15243)

From: ecfmaster@wied.uscourts.gov
Sent: Monday, April 02, 2012 4:21 PM
To: ecfmaster@wied.uscourts.gov
Subject: Activity in Case 2:11-cv-00562-JPS-DPW-RMD Baldus et al v. Brennan et al Motion for Leave to Appear

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United States District Court

Eastern District of Wisconsin

Notice of Electronic Filing

The following transaction was entered by Stephens, Adam on 4/2/2012 at 4:21 PM CDT and filed on 4/2/2012

Case Name: Baldus et al v. Brennan et al
Case Number: 2:11-cv-00562-JPS-DPW-RMD
Filer: City of Milwaukee
WARNING: CASE CLOSED on 03/22/2012
Document Number: 219

Docket Text:

MOTION for Leave to Appear amicus curiae by City of Milwaukee. (Attachments: # (1) Letter, # (2) memorandum, # (3) map)(Stephens, Adam)

2:11-cv-00562-JPS-DPW-RMD Notice has been electronically mailed to:

Aaron H Kastens ahkastens@michaelbest.com, mlcrimmins@michaelbest.com

Adam B Stephens astephens@milwaukee.gov

Brady C Williamson bwilliam@gklaw.com, agrote@gklaw.com, jschwartz@gklaw.com

Colleen E Fielkow cfielkow@reinhardtlaw.com, kkempski@reinhardtlaw.com

Daniel Kelly DKelly@reinhardtlaw.com, aschneik@reinhardtlaw.com

Daniel S Lenz dlenz@lawtoncates.com

Donald A Daugherty, Jr dbaugherty@whdlaw.com, kroubik@whdlaw.com

[STAMP dcecfStamp_ID=1001523647 [Date=4/2/2012] [FileNumber=1865694-2]
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Document description: map

Original filename:

Electronic document Stamp:

[STAMP dcecfStamp_ID=1001523647 [Date=4/2/2012] [FileNumber=1865694-3]
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